

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

CIVIL CASE NO. 3:09cv25

EDWARD H. BYERS,

Plaintiff,

vs.

**JANET NAPOLITANO,
Secretary, U.S. Department of
Homeland Security,**

Defendant.

ORDER

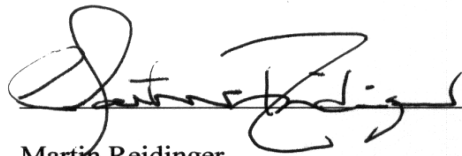
THIS MATTER is before the Court on the Defendant's Report Regarding Selection of Mediator [Doc. 18] and the Plaintiff's Recommendation of Mediator [Doc. 19].

The Defendant reports that he has been unsuccessful in making contact with the Plaintiff concerning the selection of a mediator. The names of three mediators drawn from the official list have been suggested.

The Plaintiff responded by suggesting two additional individuals but did not state whether they are on the official list of mediators. A review of the District's internet site discloses that each individual is on the official list.

The Court will provide the parties an additional opportunity to select a mediator. The Plaintiff is cautioned that although he appears in a *pro se* status, he must cooperate with counsel for the Defendant. If the parties are unable to agree, the Court will make the selection.

IT IS, THEREFORE, ORDERED that on or before fifteen (15) days from entry of this Order, each of the parties shall file written notice of the selection of a mediator or of the inability to do so. The response may not exceed one page.


Martin Reidinger
United States District Judge



Signed: August 4, 2009